

RAINES TOLD WHY IT DOESN'T WORK.

"Penalties So Heavy," Says George G. Battle, "Jurors Will Not Convict."

Senate Committee Studies All Day Over the Operation of the Excise Law.

Only Clear Cases Handled Now, and Few Convictions Obtained in the Courts.

ROOSEVELT AND CONLIN TO TALK NEXT.

The Raines Hotel and Its Papier Mache Meals May Be Still More Fully Explained, as Some of the Senators Are Very Curious.

The Senate committee, appointed to investigate and report on the operation of the Raines law, began its labors in New York yesterday in the rooms of Excise Commis-

presented to the Grand Jury since the Raines law went into effect?"

"Yes, sir," replied Mr. Battle. "I have brought with me a list." Producing a sheet of paper from his pocket Mr. Battle handed it to the Senator.

"This memorandum," queried the Senator, "is official?"

"It is from the records of our office," replied Mr. Battle.

"Mr. Battle, will you kindly read that," and the author of the bill that has made the rubber sandwich and the papier mache chop standard articles of food handed the memorandum to the Assistant District Attorney.

Mr. Battle read the list as follows:

Complaints received.....	1,893
Complaints found.....	509
Complaints dismissed.....	1,049
Complaints not acted upon by the Grand Jury.....	278
Indictments tried resulting in acquittal.....	222
Convictions.....	37
Fines of guilty.....	30
Discharged by Court.....	15
Indictments pending.....	216
Total cases disposed of.....	1,342
Complaints pending.....	278

At the end of the reading Senator Raines asked:

"What proportion of your cases do you receive without their having first gone through the hands of a Magistrate?"

"About two-thirds, I should say."

The proportion seemed to cause much surprise.

"Mr. Battle," said Mr. Raines, "can you state approximately what the proportion of cases indicted by the Grand Jury under the present law is compared to the proportion indicted under the old law?"

"Much less, I can say in explanation that the District Attorney considers that it is

law that has the effect of inducing juries to acquit."

"Is my judgment the increased penalty does have such an effect," replied Mr. Battle.

"Have you any recommendations?" asked Senator Raines.

Mr. Battle said he could make no specific recommendations, but that if the penalties were lighter the law might be more easily enforced. He believed the fear that the judges would give the prisoner the maximum penalty did much to cause frequent acquittals. He promised to give the committee at some future day such modifications of the law as would, in his judgment, make it easier to enforce it.

For Selling on Sunday.

The witness said the majority of the violators were held for selling on Sunday, and told how at first many supposed violators of the law were held by Magistrates, but that now in the majority of cases the Magistrates held only on evidence upon which the Grand Jury would probably find guilty. Mr. Battle could not say, without consulting the records, what proportion of cases reached the Excise Department, but he knew that the greater proportion of such cases was for selling without a license.

Mr. Nussbaum went back to the remarks about the holding by Magistrates of supposed violators of the law and asked how "violation" was determined.

"In various ways," said Mr. Battle. "By the Corporation Counsel and Juries."

"In what way were they at first supposed to be violations and were not?"

"In cases where people were served with liquor with meals."

"It was assumed that the sandwich meal was an evasion of the law," said Mr. Raines.

"Is it now assumed by the District Attorney that a sandwich is a meal?" asked Mr. Foley.

"I can only say," said Mr. Battle, "that the result of such cases has had the effect of discouraging further prosecutions."

The question of the "fake" club was touched upon, but passed over while the

WOULD BE A BOON TO MOONSHINERS.

Free Alcohol for Arts and Manufactures Opposed.

Witnesses Heard Before a Joint Senate and House Committee.

Say That Manufacturers Would Resell the Product for Drinking Purposes.

WOOD ALCOHOL MAKERS PROTEST.

They Assure the Committee That The Article Causes Death When Imbibed and Is the Only One That Can Be Kept Free from Taxation.

A joint committee of the Senate and House of Representatives came to New York yesterday to get points on alcohol. The committee consists of Senator Platt, of Con-

necticut; Senator Jones, of Arkansas; Congressman McMullen, of Tennessee; Congressman Russell, of Connecticut; and Congressman Evans, of Kentucky. It was appointed to determine the advisability of removing the tax on alcohol used in the arts and manufactures.

Among those heard yesterday were the wood alcohol manufacturers, who, as a matter of protection of their own business, want the tax continued on grain alcohol. The discrimination should be made, they argued, because wood alcohol is not drinkable.

While Henry F. Pierce, president of the Manhattan Spirit Company, of Buffalo, which controls 75 per cent of the wood alcohol industry of the country, was on the stand, Senator Platt asked:

"Is it not possible to use wood alcohol for drinking purposes?"

"It has been tried," was the reply.

"With what success?" Mr. Platt asked.

"The autopsies on the bodies of those who have tried it," replied Mr. Pierce with grim humor, "showed that wood alcohol affects the action of the heart to such an extent that the blood vessels leading from it burst."

Mr. Pierce argued that, if the tax on grain alcohol for arts and manufactures was removed, it would save only half a million a year to those interested, and it would cost the Government six times that much to prevent manufacturers from reselling the product for drinking purposes. They would receive it free of tax, he claimed, and then sell it to moonshine dealers who would convert it into the red-

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BLAZING GIRL FLEES FROM HELP.

Frenzied with Pain, She Runs from Room to Room, Uttering Shrieks.

Charred Bits of Clothing Fall from Her Body and Start Several Fires.

Locks Herself in a Room and When the Door Is Forced She Is Unconscious.

TENANTS NEARLY IN A PANIC.

The Girl Removed to Bellevue Hospital, Where It Was Said She Could Not Live Through the Night.

The old Peter Stuyvesant mansion, No. 240 East Thirteenth street, which is now a fine apartment house, was the scene of intense excitement yesterday afternoon when



SENATOR RAINES AND HIS COMMITTEE INQUIRE

sloner Hilliard, at No. 1 Madison avenue.

The committee, consisting of Senators Raines, Ford, Higgins, Nussbaum and Foley, with Senator Raines as chairman, held two sessions. The first was devoted largely to whispered conversation. After acting very mysteriously all the morning, the committee adjourned until 2 o'clock, announcing that the first witness would be George Gordon Battle, Assistant District Attorney.

When 2 o'clock came Mr. Battle was on hand with some memoranda the committee had requested him to bring. Senator Raines started off by having Mr. Battle prove his connection with the District Attorney's office, and tell that he had been there for the last four and a half years. Mr. Battle said that he had charge of the cases presented to the Grand Jury, and in response to the question asking if he was not privileged to attend the Grand Jury meetings, answered that he was.

"It is also your duty to examine into the evidence in cases?"

"When that is necessary, yes," said Mr. Battle, "but I may add, Senator, that in excise cases the evidence is referred to the Special Excise Bureau, where evidence is considered and witnesses are examined."

"Who has charge of this work?" asked Senator Raines.

"Randolph B. Martine," replied Mr. Battle.

Grand Jury Cases.

"Can you tell how many cases have been

his duty to present cases after they have been dismissed by the Magistrates?"

Senator Raines endeavored to show that this work on the District Attorney's part took up time, until Mr. Battle explained that under the old law the District Attorney's office took up such cases only as the Magistrates had held.

"Under this law," inquired Senator Raines, "is it the rule to present all cases?"

"The District Attorney considers he has no discretion under this law," was the reply.

"Have you found that the District Attorney's office is able to cope with the work?"

"I can speak only for the Grand Jury work," Mr. Battle answered.

Methods of Taking Testimony.

The examination then went into the method of taking testimony before Magistrates, and the fact was brought out that the testimony before a Magistrate, while taken down in shorthand, was not transcribed and a transcript furnished to the District Attorney's office.

The committee seemed to think it was a strange way of doing business. Mr. Battle explained that the transcript was not necessary, as the witnesses in the complaints were to all the main facts in the case. Mr. Nussbaum, however, thought that an opportunity was there for a witness to be tampered with before the case came to trial or to the Grand Jury. Mr. Battle explained that the testimony so taken could not be presented to the Grand Jury.

He was asked if he had any hand in the trial of cases, and said he had not. He explained that the cases were distributed in the four parts of General Sessions, and it fell to the lot of the various assistants to try them.

"From your observation," said Senator Raines, "do you think there is anything in the matter of penalties prescribed by the

committee asked questions in regard to the Raines law hotels being resorts for disorderly persons.

Mr. Battle thought only a small percentage were so used. The question of what constituted a meal was gone into, and the fact that any man could get a drink with a sandwich was talked of, as was the fact that nearly all former saloons had become "hotels."

Mr. Battle admitted that a law which would define what constituted a guest and what was a meal would clear away a great many difficulties.

Mr. Foley said he thought the committee should visit some of the small hotels, saying: "They have no right to make ten stalls, and call them 'rooms.'"

The hearing was adjourned until to-day at 10:30, when Chief Conlin and Mr. Roosevelt will testify.

INTO THE OPERATION OF HIS EXCISE LAW.

hot stuff that sells for 5 cents a glass on the Bowery.

Senator Platt thought the revenue officers could prevent such trade, but he was floored with the statement that a moonshine business was conducted not long ago within sight of the Treasury Department at Washington.

"And at Boston, too," remarked Congressman McMullen, to prove that the mountains of Tennessee are not the only places where illicit hot stuff is made.

President Bubb, of the American Charcoal Company, which markets all the charcoal made of the wood used by the wood alcohol producers, testified that his business would

and then insisted on going up into the tower and trying to work the levers. He staggered blindly about, however, and could do nothing. He was taken home, and later in the day it was reported that, although still delirious for much of the time, he was out of danger and would be about within a week.

Kennedy was in sole charge of the switch tower, and before a man could be got to take his place, fourteen passenger trains, on the two roads, were stalled.

James Casey, First Person Convicted in Oneida County, Fined \$50.

Rome, N. Y., Nov. 30.—James Casey, a Utica hotel keeper, the first person in Oneida County tried for and convicted of violating the Raines liquor law, was this morning sentenced to pay a fine of \$50 or stand committed to the Oneida County Penitentiary one day for each dollar unpaid. The fine was paid.

The jury, in rendering a verdict against Casey, made a recommendation for mercy. His counsel pleaded extenuating circumstances.

Judge Dummore, in sentencing the prisoner, said he would take into consideration the jury's recommendation, and also the fact that this was the first conviction in the county under the Raines law, and would make the sentence lighter than in cases which might come before him in the future.

DEATH CAME WHILE FALLING.

Iron Hook Pierces Henry Moffat's Skull as He Whirls Through the Air.

Henry Moffat, forty years old, of No. 60 East One Hundred and Twentieth street, was instantly killed at 1:30 o'clock yesterday afternoon while erecting a scaffold in the new Metropolitan Theatre, at One Hundred and Forty-second street and Third avenue.

Moffat was standing on a narrow board that lay across two of the main girders of the gallery, in endeavoring to reach a rope hanging above him he stepped too near the end of the plank which tipped and threw him into the air.

In the fall Moffat's head was caught by the point of a large rigging hook fastened to one of the balcony girders. The hook pierced his skull, entering the brain, and tore off a large portion of his scalp. Death was instantaneous.

Moffat was employed by Chesbro & Whitman, Sixtieth street and Avenue A. A widow and child survive him.

THE DEATHS OF THE DAY.

The New York Journal, Evening Edition will publish henceforth every day the full list of all people who have died in New York up to the hour of noon.

"The Wild World," a New Game. The finest game of travel ever published; handsome, instructive, absorbing! "The Wild World," "Yellow-Duck" and "The Pioneer of Zouke" are the most popular games of the year.—Advt.

a young colored servant girl, her clothing all ablaze, dashed through the carpeted halls and into the apartments of one of the tenants. Fragments of the burning clothing, falling from the young woman's body as she ran from place to place, started several small fires in the halls and apartments, but these were extinguished by the tenants before much damage was done.

The girl was Theodora Kemp. She was employed by Miss K. K. Vele, a daughter of General Vele, who lives on the top floor. Theodora made her first pudding yesterday and was so pleased with the result that she hastened to show it to her mistress, falling to close the front door of the range before leaving the kitchen. Upon her return she found that several live coals had fallen from the grate and set fire to some paper on the floor.

In attempting to extinguish the small blaze the girl's dress took fire and she ran out into the hallway. Her screams as she darted down the stairway to the third floor alarmed the tenants, who rushed into the hall in the belief that the house was afire. The girl tore at her clothes as she ran, terror-stricken, through the halls, and the burning pieces of her garments set fire to the carpets in half a dozen places.

Mrs. G. W. Autenreth was in her apartments on the third floor with her three-year-old daughter and the servant, Grace Brown. Mrs. Autenreth picked up the little child and ran into the hall. She encountered Theodora at the door. The girl was wreathed in flames. She darted into the Autenreth apartments and ran from one room to another. She opened several closet doors, and she reached the bath room where she turned on the water and leaped into the tub.

Upon the appearance of several of the tenants she ran from the bathroom, and as she passed from room to room she tried to hide herself in the closets, the doors of which she had flung open. She crouched for a moment in each closet, only to dash away again as the tenants pursued her. Finally the girl ran into a room, the door of which closed with a spring, and locked her in. The tenants frantically beat on the door. The girl's screams drowned their entreaties to her to open the door.

When the door was broken open she fell on the threshold unconscious. The charred clothing was torn from her body, which was terribly burned. The steel in her corsets were so hot that they burned the hands of those who tore away the clothing. While several women were attending to the girl, pending the arrival of the ambulance, other tenants were busy extinguishing the several fires which had been started in the several rooms through which the servant girl ran about.

The ambulance surgeon who attended the girl, before taking her to Bellevue Hospital, said she could not live through the night.

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I think the testimony of Mr. Battle shows the weak spots of the law. The testimony to be taken before the committee will probably result in an attempt being made to define what constitutes a guest of a hotel, a meal, and what constitutes a hotel more definitely than it is at present defined by the District Attorney's office and the other officers of the State.

JOHN FORD.

FUN FOR THE LAW'S WEAK POINTS.

We wish to examine the proper authorities—those who have to do with the enforcement of the law—that we may find wherein it is efficient and wherein it is defective, with the intention of preparing remedial legislation to be submitted to the Legislature this Winter.

MEYER NUSSBAUM.

LAW MUST BE EASIER OF ENFORCEMENT.

Our desire is to have before us those people who are intrusted with the enforcement of the law and learn from them what the difficulties to its enforcement are, also what defects, if any, there are in the law. We expect to make an inquiry into the enforcement of the law with a view of ascertaining what legislation is necessary to make it effective.

FRANK W. HIGGINS.

SO MAGISTRATES MAY NOT BE PUZZLED.

The avowed intention is to secure testimony as to how the Raines law can be amended to make it efficient. The fact that the committee is in existence seems to argue that the law is not efficient. There seems to be a difference of opinion as to certain provisions of the law and as to how it should be enforced. There appears to be a difference in its interpretation by the Police Magistrates as to its enforcement. The object of the committee is to inquire into these facts and get as much light on the workings of the law as is possible.

SAMUEL J. FOLEY.

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